

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN THE MATTER OF THE
TRACKING OF A CELLULAR
TELEPHONE

Case No. 1:22MJ446

MOTION TO SEAL

NOW COMES the United States of America, by Sandra J. Hairston, Acting United States Attorney for the Middle District of North Carolina, through her assistant, Eric L. Iverson, and respectfully moves this Honorable Court, to seal the above-referenced warrant, accompanying order, application, and return (warrant documents). The caption for the search warrant, which includes a call number and international mobile subscribed identity, has been altered in this document in order to protect the ongoing investigation. Such sealing is within the inherent power of the court to control papers filed with it.

See, e.g., Baltimore Sun Co. v. Goetz, 886 F.2d 60, 64 (4th Cir. 1989).

In this case, such an order would be appropriate because the warrant documents relate to an ongoing criminal investigation into the distribution of controlled substances in Durham and Orange Counties and their disclosure may alert the targets that they are under investigation. Accordingly, there is reason to believe that notification of the existence of the warrant documents will seriously jeopardize the investigation or unduly delay a trial, including by giving targets an opportunity to avoid prosecution, destroy or tamper with

evidence, or change patterns of behavior. Evidence in this investigation is stored electronically. If alerted to the existence of the warrant documents, the subjects under investigation could destroy that, and other, evidence.

WHEREFORE, the government respectfully moves that this Honorable Court seal the above-referenced warrant documents and modify the case caption as reflected above until further order of the Court.

Respectfully submitted this 5th day of January, 2023.

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